

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MR. AND MRS. CLINT A. STEELE)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 96-422
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

On September 5, 1996, Mr. and Mrs. Clint A. Steele ("Complainants") filed a formal complaint against BellSouth Telecommunications, Inc. ("BellSouth") alleging that it refused to provide them Mercer County telephone service because the entrance to their property is located in Anderson County. Complainants' property lies on the county line between Mercer and Anderson counties. In the complaint, Complainants request a meeting with BellSouth to discuss the matter which is in dispute in this proceeding.

On September 19, 1996, BellSouth filed its answer to the complaint. In its answer, BellSouth states that it has complied with Complainants' request for a meeting, which was held on September 13, 1996 at Complainants' residence. During the meeting, BellSouth claims, the issue concerning the proper serving exchange for Complainants' property was resolved. BellSouth alleges that "it was further confirmed that the county line between Anderson and Mercer County [sic] is the boundary for telephone service

and that since the [Complainants'] entrance to the property is in Anderson County, Lawrenceburg is the correct serving exchange."

In its answer, BellSouth also claims that Complainants subsequently changed their preference from Mercer County service to Anderson County service. Furthermore, it claims that Complainants accepted BellSouth's offer to place on their property two telephone poles and an additional 750 feet of aerial facilities at no cost to Complainants.

Notwithstanding the above, BellSouth alleges that it was subsequently informed that Complainants were still considering BellSouth's proposal. To date, however, Complainants have neither responded to BellSouth's allegations nor filed any additional information with the Commission. In its answer, BellSouth requests that the complaint be dismissed as satisfied. The Commission treats the request as a motion.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that BellSouth's motion should be granted if Complainants fail to file a response to BellSouth's answer within 10 days of the date of this Order.

IT IS THEREFORE ORDERED that BellSouth's motion seeking dismissal of the Complaint shall be granted if Complainants fail to file, within 10 days of the date of this Order, a response to BellSouth's answer.

Done at Frankfort, Kentucky, this 9th day of January, 1997.

ATTEST:



Executive Director

PUBLIC SERVICE COMMISSION


For the Commission